

MAR 28 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

LEVI SPRINGER,)	Civil Action No. 7:12cv00158
Plaintiff,)	
)	<u>ORDER ADOPTING REPORT</u>
v.)	<u>AND RECOMMENDATION</u>
)	
OFFICER BROWN #1 <i>et al.</i> ,)	By: Samuel G. Wilson
Defendants.)	United States District Judge

Levi Springer, a Virginia inmate proceeding *pro se*, brings this action pursuant to 42 U.S.C. § 1983 against a number of Red Onion State Prison (“ROSP”) and Virginia Department of Corrections employees. Springer’s claims arose when two ROSP guards came to Springer’s cell to take him to a medical appointment. Springer alleges that the guards intentionally and needlessly trapped his arms in the pass-through apparatus that prison staff uses to secure prisoners before opening their cell doors, inflicting cuts on his arms that required medical attention. Springer sued the two guards involved in the incident and nearly every person involved in the aftermath of the incident.¹ The defendants filed a motion for summary judgment, and the court referred the matter to United States Magistrate Judge Pamela M. Sargent for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

The Magistrate Judge filed a thorough report recommending that the court grant the defendants’ motion for summary judgment on all of Springer’s claims except for his excessive-force claims against the two ROSP guards with whom the incident originated, Officer R. Brown and Officer W. Brown. Springer—a frequent litigant in the federal courts² who has a penchant for filing unfounded claims, naming non-essential parties, and unnecessarily multiplying

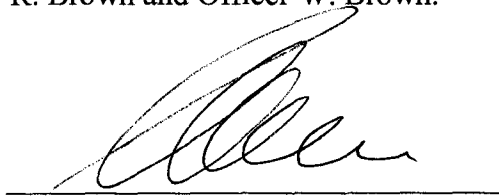
¹ By March 7, 2013, order, the court dismissed four of the original defendants.

² Currently, Springer has pending in this court three cases naming a total of thirty-one defendants.

proceedings—has not objected to the Report and Recommendation, but has requested an additional twenty days to file his objections. Given the undisputed facts in this case, and given that those facts cast the bulk of Springer’s claims in a frivolous light, the court denies Springer’s motion for an extension of time.

Having reviewed the Report and Recommendation and pertinent portions of the record *de novo* in accordance with § 636(b)(1), the court agrees with the Magistrate Judge’s recommendation. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that Springer’s motion for an extension of time is **DENIED**, the Magistrate Judge’s Report and Recommendation is **ADOPTED** in its entirety, and the defendants’ motion for summary judgment is **GRANTED** in part and **DENIED** in part. Further, all defendants are **TERMINATED** from this action except for Officer R. Brown and Officer W. Brown.

ENTER: March 28, 2013.



UNITED STATES DISTRICT JUDGE